



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY

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BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY
BOARD MEETING AND PUBLIC HEARING MINUTES

June 26, 2014

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Thursday, June 26, 2014. The meeting was held at the Taxicab Authority at 2080 E. Flamingo Road, Suite 200, Las Vegas, Nevada 89119. The meeting began at 9:45 A.M.

Present were: Chairman Ileana Drobkin, Member Joseph Hardy and Member Dean Collins. Others present: Charles D. Harvey, Administrator; Ruben Aquino, Chief Investigator; Christine Guerri-Nyhus, Deputy Attorney General and Recording Secretary, Barbara A. Webb. Absent: Member Josh Miller, Member Dennis Nolan and Legal Counsel, Ryan Sunga, Deputy Attorney General.

1. Call to Order –

Chair Drobkin: Good morning, everybody. Welcome to our new, beautiful facility. It's 40 years in the making, pretty historic today. This is the first meeting outside of the building that we left so we're really excited, and we'll get to that more a little bit later. I'm calling this meeting to order on this June 26, 2014 at 9:45 AM. Member Hardy, would you please lead us in the pledge.

2. Pledge of Allegiance to the Flag

Pledge of Allegiance to the Flag was led by Member Hardy .

3. Compliance with Open Meeting Law

Administrator Charles Harvey stated that we are in compliance with the Open Meeting Law.

First, I want to, on behalf of this Board and this Agency send our condolences out to the victims of that horribly senseless shooting rampage on June 8th, where it took out two officers and a civilian who was trying to stop any further violence, so we sincerely want to send out to the community. They happen to be my brother-in-law's guys. He was their sergeant, so that hit us very close to home as well.

We have a little bit of sad news. Member Joe Hardy has decided to step down to concentrate on his election. As many of you know, he's running for District Court Judge, and I just want to say a couple words if you'll allow me that. Joe and I came on together three and a half years ago. I couldn't have done it without him. He just made it easier, and, I mean, he just made it well. And he's one of the most statesmanlike person that I really just had the pleasure to serve with and one of the nicest, most thoughtful. And I can't tell you how much you're going to be missed and all the amazing, amazing decisions and just the way you conduct yourself. I will be so happy once you're elected to come and be at your robing ceremony, and I hope most of you will as well.

So to that, we actually have something for you. Will everyone be kind enough to join me down with Member Hardy. Then I'll allow the rest of them -- well, I'll allow you, you're the only one here, to come up and say something. Sorry about the crime scene tape.

Chair Drobkin: It'll serve a nice purpose later. So, Joe, this is your Certificate of Appreciation. Our sincere gratitude to you and we're very excited for you in your new endeavor, and I can't wait to call you judge.

Member Hardy: Thank you.

Chair Drobkin: Member Collins, would you like to say a word?

Member Collins: Yes, thank you. Thank you, Madam Chair. I just found out today, too, so I'm kind of in shock.

Member Collins: It took me by surprise, although we do know that, Member Hardy has been a very integral part of this Board, making critical decisions along the way with many of us. He will be sorely missed. We need to do everything in our power to make sure he gets elected in the fall. He will make a tremendous judge. This is not a political highlight for Member Hardy, but he's one of the finest individuals that I know of in the community. He has served this Board very, very well. A great individual coming from a great family. Of course, we have similar ties because we have Boulder City ties where I reside, so that made Joe one of the top guys in my book anyway. But kidding aside, he will be very, very missed on this Board, and we do wish you all the best in the fall. And anything that we can do, let us know.

Member Hardy: Thank you.

Chair Drobkin: And I feel like I've made a friend for life, so for that I'm appreciative. And I'd like to introduce our new Board Member, Bruce Aguilera, who is sitting over there, and he was gracious enough to come and sit this one out. I spent a couple hours with Mr. Aguilera a couple days ago, and he's fabulous, and I really enjoyed my time, and I'm very excited. He comes from the gaming industry. He's in-house counsel to the Bellagio and Aria. He just has a wealth of credentials and I'm very excited since that's kind of been our mission is to have a strengthened relationship with the casino industry. To now have a Board Member who comes from that world, is very exciting, so welcome.

New Board Member Bruce Aguilera: Thank you. Thank you.

Chair Drobkin: Oh, yeah, please. Sorry.

Member Hardy: You know, I was telling somebody this is bittersweet because I really have enjoyed working to better the Taxicab Authority, and I feel we've definitely come a long way since Ileana and I started three and half years ago. It's been a wonderful experience and, as I told numerous people on the campaign trail, very good training for becoming a judge. But the best part about it has definitely been meeting everyone and getting to know everyone who's been involved, from staff and Barbara, and Administrator Harvey has done a great job, Chief Aquino, fellow Board members, our own attorneys. You know, that's the best part is meeting people and getting to know them, as well as, you know, the drivers, the companies. I only wish that Steven Lanett was here. It's been great getting to know him as well. So thank you, thank you, thank you everyone. And yes, I am running for judge.



4. Public Comment

Chair Drobkin: Thank you. Okay. Public comment. We don't have a sign-in sheet today, so whoever wants to come up.

Tasha Heath: My name is Tasha Heath. I'm with Southern Nevada Watchdogs. It has come to our attention that the Taxicab Authority, in conjunction with the Attorney General's Office, is actively prosecuting an employee who recorded a conversation between the chief investigator and another investigator. This recording revealed evidence that the cab companies control, or at the very least, greatly influence the operations of the Nevada State Taxicab Authority. Since the TA is a government agency, which by law has been tasked to regulate the taxi industry, this is an issue of great concern to Southern Nevada Watchdogs.

Based upon the TA's decision to encourage the prosecution of this person we consider a whistleblower, the Southern Nevada Watchdogs has added the TA to our organizational watch list until we can find-- further investigation--the purpose, role, and relationship of the Taxicab Authority and what appears to be the incestuous relationship with the taxi industry in Southern Nevada. Since we have launched this investigation, we would like to ask you the following questions in this open public forum of each Board member present. Would you be willing to meet with the members of Southern Nevada Watchdogs one-on-one to discuss our evidence and answer our questions about the relationship of this government agency with the members of the taxi industry? Would you please respond to my question by either saying yes, I will meet with you or no, I will not meet with you. Thank you.

DAG Christine Guerri-Nyhus: I'm the attorney for the Board members, and I'd ask that you submit your request in writing and we'll consider it and get back to you.

Tasha Heath: Okay. And I have a little more time, so I have one more question. This agency acts in and for the interests of the citizens of Clark County. Why does it appear that you are acting solely in the interest of the taxicab company owners? If I commit a traffic crime I get cited and go to local courts that impose penalties to include points on my driver's license. Don't you think that taxicab drivers should be held to the same or higher standard?

DAG Guerri-Nyhus: Are you expecting a response?

Tasha Heath: Yes.

DAG Guerri-Nyhus: Again, please submit your comment in writing, and (inaudible).

Tasha Heath: Thank you.

Wayne Smith: My name is Wayne Smith. I'm a citizen of Clark County, and I have a couple of questions for you too. Mine won't be as long. Okay. The first question I have for you--and then, by the way, we will submit these things in writing to you, but let's see if it gives you more of a chance to be able to formulate your answers if you know what we're going to give to you beforehand. GPS tracking devices cost less than \$100 nowadays. They can be easily installed in taxicabs. The question we have is why don't taxicabs now have GPS tracking devices? Okay.

DAG Guerri-Nyhus: And again, Public comment is just to receive comments. If you want any responses you need to submit them in writing.



Wayne Smith: Okay. All right. Here's another question for you. It is common knowledge that long-hauling is a serious problem from the airport to the Strip and downtown casinos. Has anyone launched an investigation to compare the trip sheet fares to the actual trip fares to these locations? Okay?

DAG Guerici-Nyhus: Again, no response.

Wayne Smith: Okay. All right. Who do we submit it to, exactly? Can you give me a business card?

DAG Guerici-Nyhus: Administrator Harvey.

Wayne Smith: Administrator Harvey. Okay.

DAG Guerici-Nyhus: And Barbara (inaudible).

Wayne Smith: Okay.

Shannon Gould: Hello everyone. Can you hear me? My name is Shannon Gould. I'm a community organizer here in Nevada.

Shannon Gould: Okay. My name is Shannon Gould. I'm a community organizer here in Nevada. It is common knowledge that long-hauling is a serious problem from the airport to the Strip and downtown casinos. Has anyone launched an investigation to compare trip sheet fares to actual trip fares to these locations?

DAG Guerici-Nyhus: Again, this is public comment. We receive your comments. If you're looking for a response you'll need to submit those questions in writing.

Shannon Gould: Okay. Thank you.

Chair Drobkin: Thank you. Someone else? Thank you, Mr. Shranko.

Bill Shranko: Good morning, everybody. Bill Shranko, Chief Operating Officer at Yellow-Checker-Star Taxi. This seat is still hot. A lot of subjects on the comments today, but thankfully I just want to address the very positive ones. Some time ago we had a roundtable discussion at the Venetian, and it was organized by you, as you have the other roundtable discussions. This one was particularly effective, I think, because we had Bruce Breslow there, the Director of Business and Industry, and some of the top executives of all the hotels. And I know it wasn't easy to get everybody there, but you had probably the biggest turnout we've seen. The entire industry was represented. We covered a lot of areas. Some new ideas came up from the meeting. It was one of the most satisfying, if not the most satisfying, Madam Chairman, that I've been to in my career on the subject of long-hauling. We went over some of the things that, as a matter of fact, our company led the fight on. The Passenger Bill of Rights that was a voluntary situation that has worked out very well. The creation, with the Legal Department of the Taxicab Authority, of the long-hauling database is being used by every company on a regular basis. During the interview process, it is being stressed at every company. The airport signage has been up, and it's going to be even more prevalent in the future. The enforcement has been relentless by the TA. It's not as if this panel has not listened. Administrator Harvey, Chief Aquino have been absolutely categorically relentless. We see it. Our field operations people are out there every day. Discipline has been increased by all companies. The penalty for long-hauling--with the support of the union, I might add--has been increased and in place for a good while now. So we think that, overall, we're going to



continue to meet. I know, Madam Chairman, you've already started the process of having regularly scheduled meetings with the hotel and the convention center. Everyone was there, and everybody contributed.

On another matter, I want to congratulate Member Hardy. We'll miss you, Joe. Quite frankly, you were not only thorough, but you never missed an issue. You know, I'm one who comes in all the time with a lot of the other owners and managers. Don't ever mix me up with an owner. I would have been retired. But in reality, every issue that came up you were prepared for. You always asked the right questions, and you were very insightful, so you'll be missed. Our company wants to, again, welcome, Madam Chairman, the new member, Bruce Aguilera, and I think he's getting a quick glimpse of what's going to happen. It's all unplanned, Mr. Velotta. This is not our--there's always entertainment at the Board. And other than that, I think I'm ready to wrap up, so thank you very much.

Chair Drobkin: Thank you so much. Anybody else would like to come and speak on public comment?

Public comment is now closed.

* 5. Approval of the April 30th, 2014 Board Meeting Minutes and the May 27th, 2014 Board Meeting Minutes.

Motion:	Approve April 30 th , 2014 Board Meeting Minutes and the May 27 th , 2014 Board Meeting Minutes
By:	Member Hardy
Seconded:	Chair Drobkin
Vote:	Passed unanimously

6. Discussion with Maria Soto, Traffic Manager for LVCVA, regarding recent taxicab service.

Marie Soto: Good morning. I have the list of the next month's conventions coming into town up here if anyone wants them. I've also emailed them out. We have over a dozen or so shows next month between the Venetian, Mandalay Bay, Sands Expo, Las Vegas Convention Center, as well as World Market. LIGHTFAIR; this show was located in our North and Central Halls. We experienced heavy cab activity, moderate bus, and monorail traffic. We're very busy for cab traffic; every day heavy cabs coming in came in loaded, left loaded. Wait times were never more than 20 minutes. We had plenty of cabs thanks to Art at Frias and Vinnie from Yellow-Checker-Star. InfoComm came in after that. This show was located in North and Central Halls; extremely heavy cab service for this show. We saw a lot of activity throughout the day leading right up to show close. Minimum wait times were achieved, so we thank the cab companies for their assistance. Attendees utilized shuttles, monorail extensively. At show close we had about 350 people in line and plenty of cabs coming in. thanks to the road Supervisor's assistance. International Esthetics, Cosmetics and Spa and International Beauty; this show was in our South Halls, and unfortunately ran concurrently with EDC. We met with many challenges Friday through Monday afternoon with a show Saturday. We had approximately an hour wait time for cabs. Monday at show close it was a slow process again. This was due in part to the mass exodus of the EDC attendees going to the airport, as well as them causing heavy traffic congestion throughout the city. Many phone calls, text messages out. Thanks, Ileana, for answering those calls as well, and we do appreciate the service that we did eventually get out at the Convention Center, due in part to the answers and responses to our calls for help. But hopefully next year, if it runs concurrent with EDC, we can look at some other solutions to ensure that we can get the service that we need out there during that event.

Chair Drobkin: I want to pipe in and say I've asked Ms. Soto to include me on the list, because what we find happening more and more is that there is a convention that doesn't get on our radar. But if we do



have a larger convention of 100,000, I'd say, we have trouble now servicing the smaller conventions. And I also want to mention that Mandalay Bay had JCK at their property. There was 60,000 at their property this time, and they said it was the best service they've ever had. But I was also on the phone with them for all four days and actually on site, but it was. And thank you to the companies and the drivers who answered those calls...

Marie Soto: Absolutely.

Chair Drobkin: ...because I was constantly emailing and texting and calling, and everyone answered that, and we got those cleared up. And at times there was 200 people in line and no cabs coming in, and 15 minutes later fleets started coming in and.....so they were very pleased, and JCK was very pleased and so we'll keep working with you to make sure that we can get this right.

Marie Soto: So our next convention is coming in June 27th through the 30th, 25,000 attendees; American Library will be in-house for that, and they are all from out of town, so we anticipate a need for cabs for that event as well. And I have sent out the requests and information update through the group taxi email to all the companies and sent out reminders, as well, which I've also included you on the email process now, and we appreciate your help. Thank you.

7. Discussion with Freddie Kirtley, Assistant Director, Landside Operations, McCarran International Airport.

Chris Anderson: Good morning. Chris Anderson, Transportation Manager. Airport continues to have excellent service from all the companies. Just a little-known fact for you guys: the second-best month ever that we had was in May, over 350,000 trips from the airport. Excellent service from the companies. June and July are typically slower months for us, so we're kind of in that transition period, so everything is going well.

Chair Drobkin: Thank you so much.

8. Discussion with David Borowski, Sands Expo, regarding recent taxicab service.

No one in attendance from Sands Expo.

* 9. Discussion and Possible Decision regarding the Application of Rick Joel Willden II, to Potentially Act as the Successor Trustee of Both the DJW 2010 YCS Retained Annuity Trust and the LJW 2010 YCS Retained Annuity Trust.

Chair Drobkin: We are continuing this item to a later meeting.

*10. Discussion and Possible Decision Regarding Intervener's, Henderson Taxi, and Whittlesea Blue Cab Company, Motion to Stay regarding the Application of A Cab for Modification of Certificate of Public Convenience and Necessity.

Chair Drobkin: I'm going to ask DAG Christine Guerri-Nyhus to first speak on this issue, and then we'll go ahead.

DAG Guerri-Nyhus: And just for the Board and everyone's edification, we've got a Motion to Stay the application hearing or the application process for A Cab. This past week, the AG's Office, as you're all aware, they had repealed that interlocutory order or that declaratory order to the NTA and what was (inaudible) for the year. While we were doing a review for the Motion for Stay, we determined that the interlocutory order or the declaratory order wasn't the final order. It's a very specific regulation and very



specific statutes, and NAC 706.9914, which is where it gives you the information on the appeal to the NTA, it talks specifically about a final decision of the Taxicab Authority rendered pursuant to NRS 706.8819. And then when you go to .8819 it has very specific hearing decisions, final decisions, or applications for changes in fares, applications for certificates, applications for transfer, applications for allocated taxis, and appeals from the administrator's decisions.

So this past week we filed a motion to dismiss at the NTA to dismiss A Cab's appeal of the declaratory order. That doesn't mean that that issue is gone forever. What that means then is that they've preserved their issue so that if they ultimately ended up losing on their application request they could use that as one of their grounds in their appeal. So that's where we're at this point, and then I think Mr. Trafton is going to talk to (inaudible).

Chair Drobkin: Okay. Mr. Trafton, thank you.

Mark Trafton, Attorney for Whittlesea Blue/Henderson Taxi: Good morning, Madam Chairman, members of the Board. First, I want to thank Mr. Hardy for your service, and good luck to you. I just learned this morning that the Taxicab Authority through the Attorney General's Office filed this motion to dismiss. I think she would agree that while she makes very compelling arguments in the motion from what she's told me, I haven't seen it yet, we really don't know what the NTA is going to rule, whether or not they agree with her analysis or not. So we have to wait and see what they do. And that kind of gets us back to my motion to stay, and actually, the two issues, the motion to dismiss and my motion to stay sort of should be considered together, in my opinion.

Just a quick procedural rundown; this Authority ruled that A Cab's original application was filed--or declared that the application was filed pursuant to the wrong statute. A Cab then filed an appeal to the NTA, saying that the Taxicab Authority's decision or declaration was incorrect. The reason I filed the motion to stay is because if the NTA agrees with A Cab that the Taxicab Authority made a mistake, then we have two laws that we're currently pursuing under what I believe to be the correct law to consider A Cab's application, but the NTA may disagree with that and tell all of us we're going down the wrong path. We're using the wrong standard. We're using the wrong law, and we're continuing to work toward that with a September hearing.

Now, originally when I filed my motion to stay I did ask that discovery be stayed, but after reading the opposition filed by Ms. Rodriguez and also conferring with Ms. Rodriguez, to be perfectly candid, I don't think a stay in discovery--I'm going to withdraw that request. I believe the parties have all engaged, and others may disagree with me, but I personally think that no matter which law we use I think we've conducted enough discovery.

I'm just concerned that we proceed under the wrong law, and then we're told at some point by the NTA that we've done this whole process wrong. So I think the most prudent approach is to let the NTA do its thing. And just to be clear about that, the NTA has scheduled a briefing schedule, Esther's brief on behalf of A Cab is due on Monday. Then the interveners have 15 days to respond to that, and then Esther has 10 days after that to file her reply brief. Now, that put us toward the end of July. The hearing in front of this body for A Cab's amended application is not until September, so there's a real possibility we may have a decision from the NTA that we're using the correct law here at the TA, so go ahead and have your hearing, and that would mean that we could hopefully have the hearing in September. But here's a little wrinkle: if the NTA rules--well, when the NTA rules--number one, we don't know when the NTA is going to render their decision. We know when the briefing schedule is. We just don't know if the decision is going to come down in July or August. Hopefully, it's one of those two meetings, but we just don't know.



Once they enter their order as to which law we should be using here at the TA, anybody that's involved in this, interveners or A Cab, will have the right to file a petition for judicial review, and the parties have 30 days from the date of the order signed by the NTA to do that. So an example would be if the NTA rules that A Cab originally filed under the correct statute, that would mean we are currently in the TA going down the wrong road, and most likely the interveners would file a petition for judicial review on the NTA's ruling that A Cab's original application was correct, because we all filed motions saying that they had filed incorrectly, if you recall.

So I know that's a lot of legal jumbo and procedure, but I think--and I've consulted with the Attorney General before. She didn't give me any indication which way she's going to advise the Board, but she knows sort of where I'm going with this. I'm not trying to delay the proceedings on behalf of my client. I just want to make sure that we're not creating a mess by pursuing this application by going under the wrong statute, so my suggestion is that we wait and see what the NTA does.

I don't know procedurally the right way to do this, but let's say that the NTA renders its ruling in July. We wait 30 days, nobody files a petition for judicial review, then all is good. We're on for September. But we should probably make some sort of a record that if it doesn't go that way that we're going to have to revisit this A Cab hearing that's currently scheduled for September, because we may be setting us up for kind of a mess if we lock ourselves into that September hearing going under this certain statute, so--because it just may not be resolved by then. That's my concern.

Member Hardy: So is discovery done now then?

Mark Trafton: Yeah. I believe--I looked at that carefully. When I first filed this motion, I didn't think--my concern was if the NTA said, no, you got to go back the original statute that A Cab filed under, then my original position was, well, then we need to go back and focus our discovery back on that statute. But I read Esther's opposition carefully. I consulted with my client. Is there honestly more discovery that we feel is necessary? And between my client and I, we decided no. So regardless of what statute we have to go down we think discovery is complete.

Member Hardy: Follow-up question to that, I guess, what if anything--and I apologize, it may be in the brief, but are there motions or are there upcoming deadlines prior to September that you're concerned about or...

Mark Trafton: That's a good question. I don't know when the dispositive motion deadline is. That would be a concern, so I'm going to say yes because I'm sure there are dates. You know, I think I have the order here. Let me see.

Member Hardy: It's on A Cab's opposition attachment. Exhibit 2. Looks like you have a motion deadline July 2nd.

Mark Trafton: Oh, it's Exhibit 2. I was looking at Exhibit 1.

Member Hardy: Yeah, I was looking at 1; 2 is the updated one.

Mark Trafton: Okay. So Item No. 5 and Exhibit 2 says all motions should be filed before July 2nd. I appreciate you bringing that up, Member Hardy. I do think that's a concern and should be moved, based upon the fact that we don't know really, definitively, which law we're supposed to be arguing here. And we won't know until the NTA either, you know, agrees or disagrees, and then the 30 days passes for judicial review. Again, I'm not saying that we need to move the September hearing date for A Cab



because we may not need to, ultimately. But these dates for filing motions, I think, should be changed until we know definitively which law we're proceeding under.

Member Collins: And I'm sorry, Mr. Trafton.....when did you say the NTA is meeting to rule on that? Is that next—

Mark Trafton: That's kind of the million-dollar question.

Neal Tomlinson, Attorney for Frias: We're not sure yet what the date is.

Mark Trafton: Yeah. We were hoping--we were consulting before here. All the briefs have to be in by the end of July, so we're, I think, probably a little too optimistic that it'll be heard in July, but probably by August. And I'm happy to have Neal up here to...

Neal Tomlinson: Hi, Neal Tomlinson on behalf of the Frias Cab Companies. We joined in Mr. Trafton's motion. My understanding is that the deadline for agenda items for the NTA is July 1st for their July 18th Agenda, so most realistically, it's going to be on their August Agenda.

Mark Trafton: Thank you.

Female: Do you know the date of the August meeting?

Neal Tomlinson: I don't believe it's been set yet. It's going to be probably midmonth, though, that's generally where they've put for it. It's every five weeks, so I guess it'll be actually more towards the end of...

Chair Drobkin: Do you have any other questions? Okay. Now let's hear from--I'm going to go ahead and bring up Ms. Rodriguez. I will allow interventions for everyone else after Ms. Rodriguez.

Esther Rodriguez, Attorney for A Cab: Good morning. Esther Rodriguez for A Cab. Mr. Nady is out of state this morning and sends his apologies for not being able to attend. I would like to point out that it is only Mr. Trafton and Mr. Tomlinson that filed pleadings on this, so if you are going to allow interventions I obviously haven't seen any written submissions from anybody else, and I didn't even receive copies if anybody else intervened on this issue. So I'd object to those.

Chair Drobkin: We do have some other interveners.

Esther Rodriguez: Okay. Well, I wasn't served with those.

Chair Drobkin: Okay. Just for the record, do you object to a stay or continuance for any...

Esther Rodriguez: Absolutely. Yes, and the reason is twofold. One, the reason I brought that up about Mr. Tomlinson and Mr. Trafton is that I had preliminary discussions with them this morning, and it seems that they're both in agreement as pertains to my first issue which was a reopening of discovery. So I appreciate that, that I think we're all in agreement that discovery doesn't need to be stayed or further conducted once we get a ruling. But the second issue is that I'd like to point out that the issue that's on appeal to the NTA, it's a very interesting issue because what we've appealed is that the intervenor's position that your jurisdiction is limited to only--and you heard extensive arguments about this--706.881 to .885. It's their position saying that's your jurisdiction, that's what you can look at, that's what you can apply. And here they are asking you for a stay of proceeding that doesn't fall within those jurisdictions.



There's nothing in the Authority within those that allows you to stay this proceeding. The statute that governs the appeals up to the NTA, 706.8819, which falls within the interveners' parameters, says absolutely nothing about staying a proceeding. So basically they're wanting it two ways. They're saying, well, you can only look at this, but then when you do look at this, there's nothing that allows you to stay this proceeding. So that's my first point is that we should go ahead and move forward with this in September. There's no reason to stay it. There's no authority that allows you to do that. And as pertains to the TA's motion to dismiss, I've not been served with that. I've not seen it. I talked with Ms. Guerci this morning, and she was under the impression that everybody had been served with it on Monday, but nobody has seen it. So I think there was some miscommunication on the service, so I can't respond to that. But I did have preliminary discussions with her last week, and what I have done is I have contacted the NTA for their thoughts on a declaratory order and whether that's appealable or not, because what we asked for was an order. We didn't ask for an advisory opinion. Those are the two things we can ask for is an opinion, which we agree is not appealable. But we asked for an order, and this Board issued an order. In all other agencies, or the majority of other agencies, a declaratory order is considered a final decision, and that's why we've appealed it. But I will respond to that, you know, once we're served with the actual motion to dismiss. But at this point, we would ask that we go ahead and move forward with the September hearing. There's no reason to stay at this point. I don't have any other further information as to when the NTA is expected to hear any of these things. I would anticipate the motion to dismiss is not going to be set, I don't think, in July because the service hasn't even gone out on that.

Member Hardy: It sounded like Mr. Trafton was saying he's fine with the September hearing staying as it is. That's what I (inaudible). The issue he really had was with the July 2nd briefing deadline. Tell us about that. What do you think about the brief deadline?

Esther Rodriguez: Honestly, I don't think they--discovery is closed. They could file their motions. It's next week. July 2nd, I think is next week, so they could go ahead and proceed and file their motions. I'll oppose them, but if we want to agree to bump that back, you know, to August or something to see if we've had any more movement from the NTA, I don't have an objection to being flexible on those.

Member Hardy: Yeah. I think I see the issue with the briefing deadline being next week and not knowing, you know, what the whole statute is, really. On the other hand, I also see an issue with maybe we'll get a decision maybe in August, at the end of August. We already have a September hearing set here, but I would like to see remain under all circumstances because this has taken, you know, a very long time as I'm sure Mr. Nady would be telling us. So I see a concern there in terms of well, if we're moving the briefing schedule back maybe into August and then you have the--like Mr. Trafton said, then you have the 30 days where any party can then appeal that. You've passed September, really. I could see that happening. What I would like to see--what I would suggest is it seems really the only concern is that briefing deadline, which I understand, but I don't see how we could, you know, hold off on it indefinitely. That's my comments. We haven't heard from the other interveners yet though, so I'll leave it at that.

Chair Drobkin: Yeah, I agree with you on that. Let's go on with it and then we'll (inaudible). Thank you. Okay. I'll allow interventions at this time.

Marc Gordon, Attorney for Yellow/Checker/Star Cab Companies: Madam Chair and members of the Board, I am sorry I'm late. YCS supports Mr. Trafton's motion.

Chair Drobkin: Okay. Thank you. Thank you for keeping it short. Frias--Mr. Tomlinson, do you want to come up again?



Neal Tomlinson: Nothing to add, Madam Chair.

Ruthie Jones, ITPE Union: Nothing to add.

Marilyn Moran, Western Cab: No comment.

Chair Drobkin: Okay. Thank you. And then we're back to (inaudible). Okay. Well, that was (inaudible).

Bob Winner, Attorney for Desert Cab: Did you get my joinder? Desert.

Chair Drobkin: Okay. Okay. I don't have that, but...

Esther Rodriguez: And I would like to correct my statement. I was served with YCS's intervention. I didn't receive anybody else's.

Chair Drobkin: Okay. Well, I'll go ahead and allow. Please.

Bob Winner: I've drafted a joinder, and I agree with Esther, and I agree with Mark a little bit, because they're both right but not, in my opinion. When you file a timely notice of appeal, which was done--whether or not it's a good appeal, whether or not it should be dismissed--it divests jurisdiction from the lower body. You guys don't have authority to act. You've lost jurisdiction. Now, the case law I cite--and it's Nevada case law, it's the same as everywhere--says you can do housekeeping matters, attorney fees, that kind of stuff. Is the July 2nd file a motion by this date or lose it, is that housekeeping could you say well, until this is resolved that's vacated. You could. You could do the same thing with the hearing because you don't know, or you can leave it on because you don't know. What you can't do is make any meaningful decision, and in fact, the decision to stay the application has been made. It was made by applicant when they filed the appeal.

I am right now before the Supreme Court on a case, and it is in this way similar. We went to jury trial, and the jury found 50/50 liability and they want to get out of their screwed up damages, so to speak. Judge Williams said, "I'm granting a new trial on damages only. Liability is done now." My opponent filed a notice of appeal, because under NRAP 3A it says the granting or denial of a new trial is an appealable order. Now, there's case law going either way saying no, no, no, that's if he does this, and it's really interlocutory, but the Supreme Court hasn't ruled yet. So is there a rule that says a declaratory order is appealable? Yes. Could they appeal that? Sure. Is the matter final right now because they amended and now the declaratory order is really only a part of the subpart? That's debatable. That's probably the motions. What you have in front of you now is motion to stay which you really can't grant. I guess you can if you want because it's already happened. It's already happened. The applicant has stayed this. I think you could, through discussion if you want, say, well, we can still do housekeeping matter. We're not going to make these guys file all their briefs on July 2nd because we don't know what's going to happen, and you may make the same decision on the hearing. Someday later you might say, you know, we're going to vacate that for now until this is done. You don't have to do it today. You can if you want, but what you can't do is have a hearing if this hasn't been decided. And you can't rule on a discovery between us. If we have depositions and we agree, great. If you ask some questions in discovery and said that's a bad answer. That's an objection. I want a ruling from the Board. Filed a motion here. Could you rule on that? No. That'd be something substantive, not housekeeping. So even though the motion is made by Mark, and I think it's right in part, but it's already happened. The stay has happened, and it's happened because applicant filed the notice of appeal, and until the NTA is done and remand has happened, either saying we agree with the applicant or not, you guys really don't have any jurisdiction. Now, will that happen before the hearing? I don't know. You have authority to



correct and move on housekeeping matters, collateral matters, not something that's central to the application. You just don't. So in the interest of paperwork I would suggest to you, you guys consider that. Do you want prefile testimony still there, or at some point are you going to say, you know, no, don't file a prefile testimony because we haven't heard yet? You could make that decision today. You could make it conditional, I think. You say well, until the NTA makes their ruling or the remand has happened or, you know, maybe it's a judicial review. I don't know. Whatever happens, it's beyond your ability to do really anything substantive. What you can do is take care of housekeeping matters, and that would be briefing, filing, even the hearing itself. If you guys went forward with the hearing in September absent some finality from the District Court or the NTA, it's a waste of time. You're going to do it again. It's just a waste of time. I put this in a brief. I don't know if you guys read it, but I called it a joinder. But it's Nevada law. It is. You can't have two matters going, two different ones. You just can't.

Chair Drobkin: Thank you, Mr. Winner. I'm going to ask that counsel (inaudible). I'm going to ask her to speak, to clarify (inaudible) things for...

DAG Guerri-Nyhus: All right. I want to just clarify a couple things for the Board and what the AG's Office stand is. One, as to whether you can hear a motion for stay even though you don't have that particular condition in your statutes and regs, you do have NAC 706.912, which is your catchall miscellaneous applications for relief. So this motion for stay would fall under miscellaneous applications for relief, so you do have the authority to hear this motion. Some of what Mr. Winner is saying is correct, but you've got to look at this--and some of it's not--in the context that this is not a hearing. Under the Nevada rules, it's a civil procedure. This is an administrative proceeding that is governed by your specific regs and statutes and also by the Administrative Procedures Act which is NRS Chapter 233B. So it was an interesting question, and I did read Mr. Winner's arguments about whether you could even have a stay and then went back and looked at some of the statutes and regs, and if you look at NAC 706.9918, it specifically says that the Transportation Authority will not grant a stay. So the NTA does not have the authority to stay the decision that you've made, and that's when we get back to (inaudible) stay the final decision. And I hate to talk on the surface, but that's how we get to this whole motion to dismiss, as to whether this is actually a final decision.

So my bottom line here is, yes, you have the authority to hear this and, yes, you have authority to stay the process or to craft an order that makes the process what you need it to be. So you have that authority. You've got to deal with the issue that--the underlying issue is what's the appropriate statute that we're supposed to be having this hearing on, and it may be appropriate to delay things so that we have some determination, so that we're not ending up duplicating ourselves by having a hearing under .8827 when it should have been under this other statute. But it's a discretionary call on your part, because the way the statutes and regs are written for the Transportation Authority, you have pretty broad authority to craft this as long as you're protecting everyone's rights.

Mark Trafton: May I respond to the opposition?

Chair Drobkin: Please. I was going to get to you.

Mark Trafton: Madam Chair, members of the Board, Mark Trafton on behalf of Whittlesea and Henderson Taxi. Esther said that Neal and I want it both ways. The truth is--and I swear I'm being truthful--I just want it done the right way. I don't want to be here in September having a hearing when we don't know yet from either the District Court or the NTA whether this hearing that we're having is being conducted according to the correct statute. I think the most cautious approach so that we're not--and this is where I agree with what Mr. Winner said--so that we're not duplicating everything, and it doesn't have to be months and months and months, but maybe it's a one-month delay in this because hopefully the NTA will have this decided in August. Thirty days from then is going to take us into



September, and somebody may file a petition for judicial review. Those take a little bit of time but not years. It's not going to delay this thing that long. So addressing Member Hardy's point, yes, the July 2nd deadline is a major concern to me, but also the September hearing date is a concern. I'm hopeful that we can keep it. I'm cautiously optimistic that we can keep it, but I'm not certain that we're going to be able to keep it and have certainty from the bodies above us that we're pursuing this hearing under the correct statute. So that's my concern. I mean, I'm not trying to delay the September hearing, but if we don't have an answer by then that we're having the hearing under the correct law then I think we have to wait, because we could go through this whole exercise of calling witnesses and everything and presenting our case and realize that we just did that pursuant to the wrong statute.

Chair Drobkin: Can I ask a question? Mark Trafton: Yeah. Sure, sure.

Chair Drobkin: Knowing kind of how we operate here and the ebb and flow, do you really think that we would allow an item to continue like that when there is uncertainty? Because September is still a little bit away, but I ask you in all fairness to this body and listening to this, do you really think that we would hold a hearing in September when there are those issues still unclear?

Mark Trafton: I hope not. Because, well, Esther's opposing that.

Chair Drobkin: Well, I would hope that we have a better reputation than that. Mark Trafton: You do, but I'm just saying... Chair Drobkin: Yeah, we do.

Mark Trafton: Esther has vehemently opposed moving it, so that's why I'm addressing this.

Chair Drobkin: Yeah, but I think this Board's pretty smart, and I help craft the Agenda, so--but I understand what you're saying. I just kind of take issue with the fact that you would really think that we would put something and convene an item that is in that nature that we have no idea evaluating (inaudible), so that's the only small issue.

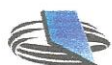
DAG Guerici-Nyhus: And not--but just on the (inaudible), none of the cab companies can assume anything. They all have to file... Chair Drobkin: Right. No, no, no, I understand that. But on the record, I would like to say that we certainly wouldn't schedule something and actually hold something that wouldn't make sense for everybody. We try really hard to make sure that we're progressive around here. Mark Trafton: I have never said that I believe that you guys proceed improperly. Chair Drobkin: Right.

Mark Trafton: I'm not trying—

Chair Drobkin: No, I just wanted it on the record that we would never--so I guess I got a little hostile, and I apologize for that. But we would never--I understand what you're saying, and so I guess for me I would like to see something kind of where you were going with crafting something that is kind of in the middle of two things that we're not going to stave off. But if there is an issue, if the NTA does go and say that our opinion was wrong and we're under the different statute or it does get appealed to the District Court, then we can go ahead and move the September hearing to a date when that's all actually finalized. And so that's what I would like to see, so we're not pushing this off.

Member Hardy: Yeah. Well, what I would say--are you...

Mark Trafton: I'm finished.



Member Hardy: Okay. And I appreciate both sides of both arguments. I see exactly--I mean at least I think I do--what you both were saying and you both have very valid concerns, I think. What I was thinking is we can leave this motion. We can continue this motion because, yeah, we don't know what's going to happen, but at the same time, like I said, if at all possible, I don't want to do it in September...

Chair Drobkin: Right. Member Hardy:...because it's been on for a long time. And candidly, you know, parties sometimes need to have their feet held to the fire. Mark Trafton: Understood.

Member Hardy: So what I was thinking is continuing this motion. We don't need to rule on it, and then maybe that, yeah, in August or whenever we would need to readdress it because, you know, we now have a decision. Mark Trafton: Right. Member Hardy: And if we continue it, it stays on the Agenda and you don't have to go through all the--at least I don't think--yeah.

DAG Guerri-Nyhus: The only issue we have is they have that July 2nd deadline...

Chair Drobkin: Well, can we move that date? DAG Guerri-Nyhus:...so if we continued it (inaudible)---

Mark Trafton: Right. Well, you're getting ahead of me.

Chair Drobkin: He could move that, though. DAG Guerri-Nyhus: Yeah. That's got to be (inaudible).
Chair Drobkin: (Inaudible).

Member Hardy: So that's what I would suggest that as to that part of the motion--well, actually the whole motion, but as to the briefing schedule, what I would like to see rather than have us--what would be, you know, for lack of a better word, arbitrarily give you dates, what I would like to see, and it sounds like you have a good working relationship, which is good, is do a stip for us that you can submit. And if you can't work it out, which is possible, I realize that, you know, come to us next month as part of us (inaudible) this. So if you have a stip and you agree on a briefing schedule, then you're fine.

Mark Trafton: Esther, is that okay with you? Esther Rodriguez: I think we need to get that on that record. Mark Trafton: Okay.

Chair Drobkin: You're going to actually make a motion (inaudible)?

Member Hardy: No, no, I'm not making a motion yet... Esther Rodriguez: He hasn't made motion yet.

Chair Drobkin: Oh, okay.

Member Hardy:...because I want to hear other people comment and see if that's agreeable.

Esther Rodriguez: That's agreeable to the applicant. I'll work with Mr. Trafton and Mr. Tomlinson for what makes sense, obviously. Mark Trafton: Great.

Chair Drobkin: Do you want to make a full motion?

Member Collins: No, I just wanted to add, I think Member Hardy's comments are right on. This has been on the calendar for a while. You know, I think in support of Mr. Nady and A Cab, I mean, this has just been going on for a while. We'd like to see some resolution to the issue, and so I think before that September date I think we, you know, have you folks (inaudible) get together and work on this July 2nd deadline date to some extent, but I would definitely support just staying with the schedule.



Chair Drobkin: And if something were to happen and the NTA... Member Collins: Right.

Chair Drobkin: ...doesn't hear this until, say, late August or even September, then we will then address that and push that back, but we'll do it in increments...

Member Collins: Do a motion...

Chair Drobkin: ...we won't postpone it forever. We'll just do it in increments, and we'll keep pushing it back.

Esther Rodriguez: That sounds great... Chair Drobkin: Okay.

Esther Rodriguez: ...Madam Chairwoman. Thank you.

Member Hardy: As part of the stip what I would suggest is, you know, a motion deadline on petition (inaudible). Mark Trafton: Right. Member Hardy: Okay, so...

Chair Drobkin: Formal motion.

Motion: Continue interveners Henderson Taxi and Whittlesea Blue Cab Company's motion to stay to the next Board meeting, and as part of the motion request that all the interveners get together and do your best to come up with a stipulation on the briefing schedule. And if you can't do that, it'll still be on the Agenda for the next Board meeting.
By: Member Hardy
Seconded: Chair Drobkin
Vote: Motion passes unanimously

Chair Drobkin: Before we go to staff report, I want to remind everyone we have our big grand opening at noon. So I know it's a long day, but if you could all stay and celebrate with us we do have food coming and some elected officials to celebrate with us as well.

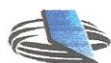
Member Hardy: And we have the world's biggest scissors. Chair Drobkin: Yes, and it's very heavy, so we'll try to get through this as quickly as we can.

11. Staff Report

Administrator Harvey: Yes, Madam Chair and members of the Board, Chief Aquino has a report on our enforcement activities.

Chief Ruben Aquino: Good morning, Board Members. Chief Aquino, Nevada Taxicab Authority. I'll be brief. This is just highlights of our enforcement activities for May 2014. As far as number of events that the investigators handled last month, there was over 1,600 events that were generated. Four hundred and thirty citations were written. Out of that 430 citations, over 120 were long-haul violations. And lastly, as far as our vehicle inspectors are concerned, they responded to 568 accidents involving taxicabs. If you have any questions in regard to any enforcement activities I'd be more than happy to answer them personally.

Member Collins: I just want to make one comment. You know, I think every meeting we continue to talk about (inaudible) specifically long-hauling and what the Chief just mentioned, proof is in the pudding.



We are cracking down. His investigators are doing a fabulous job in zeroing in on a lot of the issues that the Taxicab Authority is facing, specifically like long-hauling. So you know, Chief, I just want to go on the record and say you've got a great team that's doing what they need to do to help, you know, change that environment. And it's not easy, quite frankly, as everyone here knows, so kudos to you and your team for doing a good job. I know we're moving in the right direction. Is it going to be resolved, and is it going to change tomorrow? No. We know that this is an ongoing and a much, much longer process, but the efforts that you and your team are doing now, I think, is going a long way to get us there. So thank you.

Chair Drobkin: I want to pipe in just to add that--to remind everyone that we're understaffed, and so obviously there's many more calls that Chief Aquino and our officers have to respond to, the accidents and all the other things. And so just to remind everyone we're understaffed, and so they're doing a yeoman's job with all the different things that they have to respond to and take care of with such limited amount of manpower. So congratulations for all the great work that you guys are doing.

Chief Aquino: The enforcement staff appreciates the comments. Thank you very much.

Chair Drobkin: Administrator Harvey, do you have anything else to add?

Administrator Harvey: Not at this time.

Chair Drobkin: Okay. I want to mention on the record for anyone who isn't going to stay for our celebration that this building and the one across the way is Mr. Harvey's brainchild. He actually designed all of this. None of this existed. And so it's been three years. We actually had a different site. It's a very long and arduous story of what happened, but his perseverance--and he has another talent, apparently, in interior design. And so I want to, on the record, just thank him for the very hard work. It's been months, and he actually spent the weekend trying to move in, so we just got in here on Monday. So I want to thank you and Chief Aquino and the entire staff for all the hard work that you guys have done to get us in here.

12. DAG Guerci-Nyhus: Pretty much did that before. We filed a motion to dismiss with the NTA on the A Cab issues.

Chair Drobkin: Okay. Good. Thank you.

- * 13. Driver Appeals - Leora Ann Worth:

Member Collins made a motion.

Motion: Reinstatement a permit, although with the condition that you have to pass your probation to make it permanent. Per Member Collins - No violations under 706. no traffic tickets, try not to get them, but anything else that would disqualify you from getting your permit.

DAG Guerci-Nyhus: So you're making the grounds that you're going to overturn it based on the premise that it's unreasonable?

Chair Drobkin: Unreasonable. Yes. Yes, ma'am. Okay.

Member Collins: And the (inaudible) imposed probation period is...



Chair Drobkin: A year.

Member Collins: A year?

Chair Drobkin: Mm-hmm. I need a second.

Seconded: Member Hardy
Vote: Motion passes unanimously

Lenora Ann Worth: Thank you.

Driver Appeal - Raja Nosheralan:

Motion: Dismiss the appeal of Mr. Raja Nosheralan based on the fact that service was made to the respondent and he failed to appear.
By: Member Hardy
Seconded: Chair Drobkin:
Vote: Motion passes.

Driver Appeal - Esayas Woldemarium:

Motion: Dismiss the appeal of Mr. Raja Nosheralan based on the fact that service was made to the respondent and he failed to appear.
By: Member Collins
Seconded: Member Hardy
Vote: Motion passes

Driver Appeal – Thomas Hawkins

Motion: Dismiss the appeal of Mr. Thomas Hawkins based on the fact that service was properly made and he has not appeared
By: Member Hardy
Seconded: Chair Drobkin
Vote: Motion passes

14. Public Comment – there was not Public Comment.

Public comment closed.



*15. Adjournment

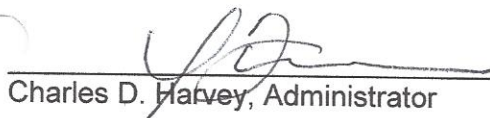
Motion:	For Adjournment
By:	Chair Drobkin
Seconded:	Member Hardy
Vote:	Motion passes

Respectfully submitted by:

 07-21-14
Barbara A. Webb, Recording Secretary Date

Approved by:

 07-29-14
Ileana Drobkin, Chairman Date

 7/21/14
Charles D. Harvey, Administrator Date

